REMARKS/ARGUMENTS

In the Office Action, the Examiner has rejected claims 58-77 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,805,634 (*Wells et al.*). The Examiner's rejection is fully traversed below.

Claim 58, among other things, recites:

> (a) *an operating system comprising an operating system kernel and a system handler application, the operating system kernel and system handler application operable: to dynamically link with a plurality of gaming program shared objects and device handlers for the computerized wagering game at run time when the computerized wagering game is executed in a manner that allows the plurality of gaming program objects to call a set of common functions effectively provided by the system handler application when the system handler application is executed, and load said gaming program shared objects and device handlers; and*

> (b) *the system handler application operable to: initiate execution of a computerized wagering game based on game data variables stored in the nonvolatile storage; write game data variables to at least one of the game state storage and nonvolatile storage when the computerized wagering game is executed; and load at least one of the plurality of the gaming program shared objects in response to a change in the stored game data variables by at least another one of the plurality of the gaming program shared objects*

In the Office Action, the Examiner has asserted that transferring or "downloading" new software to a gaming apparatus effectively teaches these claimed features (Office Action, page 3, citing Col. 1, lines 16-29 and 33-41 and Col. 4, lines 8-21 of *Wells et al.*).

It is noted that *Wells et al.* states:

> "software may be provided to replace or supplement the software in a gaming device which is in operation (in the field), e.g. to add new features, implement new games and the like, and/or to correct programming errors. In either case, the new software is transferred or "downloaded" from a source (which may be, e.g., a computer such as a workstation personal computer, laptop computer, and the like) to the "target" memory in a particular gaming terminal or machine" [Col. 1, lines 33-41]

It is further noted that *Wells et al.* states:

> "…when the new peripheral program is downloaded from a central computer to each gaming terminal, the method avoids disabling all gaming terminals at the same time, such as by waiting until the gaming terminal is idle for a predetermined period before downloading the new program to peripheral devices or by cycling through various gaming terminals or groups of gaming terminals so that a relatively small number of the gaming terminals are disabled (for reprogramming) at any one time" [Col. 4, lines 10-19]

However, it is respectfully submitted that transferring or downloading new programs does not teach or suggest these claimed features (a and b noted above). Accordingly, it is respectfully submitted that the Examiner's rejection is improper and should be withdrawn. Other independent claims recite similar features as the features discussed above. Therefore, it is respectfully submitted that the Examiner's rejection is improper and should be withdrawn.

Furthermore, it is respectfully submitted that the Examiner's rejection of claim 58 is improper for yet additional reasons. In particular, claim 58 recites:

> (c) *the system handler application comprising an Application Program Interface comprising functions callable from the gaming program shared objects, the Application Program Interface comprising a plurality of gaming functions callable by and used by the plurality of the gaming program shared objects*

In the Office Action, the Examiner has asserted that *Wells et al.* teaches this feature (Office Action, page 3, citing Col. 4, lines 1-7 of *Wells et al.*).

It is noted that *Wells et al.* states:

> "In one embodiment, the update or modified peripheral device program is received in the gaming terminal (or other computing device) from an external device (such as a hand-held or portable device or a central computer coupled via a communications link) and is downloaded from the gaming terminal controller board to one or more coupled peripheral devices" [Col. 4, lines 1-7]

However, contrary to the Examiner's assertion, it is respectfully submitted that receiving update or modified peripheral device program does not teach this claimed feature (c).

Applicant hereby petitions for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. IGT1P369). Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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